IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 6TH FEBRUARY 2007 / 17TH MAGHA 1928

WP(C).No. 4078 of 2007(I)

PETITIONER:

SUDHEER KUMAR D.R.,
S/O.K.RAGHAVAN, AGED 39 YEARS, RESIDING AT
"SANDRAM" PALARAVILA HOUSE, VENGANOOR P.O.,
THIRUVANANTHAPURAM (SUB ENGINEER(CIVIL),
T.C.SUB DIVISION, LEGISLATIVE ASSEMBLY COMPLEX,
GIS BUILDINGS, THIRUVANANTHAPURAM).

BY ADV. SRI.VELLAYANI ROBINSON

RESPONDENTS:
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1. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
VYDYUTHI BHAVANAM, PATTOM,
THIRUVANANTHAPURAM- 695 004.

2. THE CHIEF ENGINEER (HRM),
KERALA STATE ELECTRICITY BOARD,
VYDYUTHI BHAVANAM, PATTOM,
THIRUVANANTHAPURAM- 695 004.

3. THE STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF ELECTRICITY,
SECRETARIAT, THIRUVANANTHAPURAM.

BY S.C. MR. K.S. ANIL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 4078 OF 2007

Dated this the 6th February, 2007.

JUDGMENT

The petitioner belongs to the category of Sub Engineer in the service of the first respondent. As per Ext.P5 order passed by the second respondent-Chief Engineer on 17.1.2007 as many as 466 Sub Engineers have been transferred from one station to another. Ext.P5 says that the above order of transfers and postings were done in implementation of new projects during the period 2006 and the period from 2011 to 2016 and consequential re-organisation of Civil Wing and effective utilisation of the staff. The petitioner is shown against serial No: 265 in Ext.P5.

2. One of the contentions urged by the petitioner is that he had submitted Exts.P3 and P4 representations before the second respondent bringing to the notice of that respondent his difficulties, personal as well as domestic, and the need to retain him in the very same station.

3. The petitioner has been now transferred from TC Sub Division to Achankovil Hydro Electric Project. It is not clear from Ext.P5 whether the representations filed by him as evidenced by Exts.P3 and P4 were taken note of by the second respondent while passing Ext.P5. Though Ext.P3

was filed in 2004, Ext.P4 is one filed a few weeks before passing Ext.P5. The petitioner submits that he belongs to a scheduled caste community and he is entitled to protection from transfer as per the orders issued by the Government and are being followed by the respondent-Board.

4. Since the representations were filed before Ext.P5 was passed, it will be appropriate that the petitioner brings to the notice of the second respondent or for that matter the first respondent, problems which he would like to highlight and are pleaded in this writ petition. Ordinarily this Court will not interfere with orders of transfers that are challenged on the ground of non-consideration of the personal difficulties of the employees concerned. At the same time, it cannot but be observed that those are matters to be taken note of by the departmental authorities, transfers and postings shall be ordered avoiding, as far as possible, unnecessary difficulties to the employees. If the petitioner files a representation before the first respondent within ten days from today, the same shall be considered in accordance with law and appropriate decision taken. The petitioner will be free to highlight all factual aspects against Ext.P5 order in his representation. Decision shall be taken, on such representation, within three weeks from the date of receipt

of a copy of the representation. Writ petition is disposed of with the above direction

K.K.DENESAN
Judge

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